

The Honorable Benjamin Settle

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

CLYDE RAY SPENCER, MATTHEW
RAY SPENCER, and KATHRYN E.
TETZ,

Plaintiffs,

v.

FORMER DEPUTY PROSECUTING
ATTORNEY FOR CLARK COUNTY
JAMES M. PETERS, DETECTIVE
SHARON KRAUSE, SERGEANT
MICHAEL DAVIDSON, CLARK
COUNTY PROSECUTOR'S OFFICE,
CLARK COUNTY SHERIFF'S
OFFICE, THE COUNTY OF CLARK
and JOHN DOES ONE THROUGH
TEN,

Defendants.

NO. C11-5424BHS

SUPPLEMENTAL DECLARATION
OF PATRICIA C. FETTERLY

I, Patricia C. Fetterly, make the following declaration under penalty of perjury:

I am attorney for defendant James M. Peters and make this declaration based upon my
personal knowledge.

Attached hereto as Exhibit A is a copy of the report of the Sacramento County Sheriff's
Department dated August 29, 1984 which was inadvertently not included as an exhibit to my
declaration (Dkt. 138) filed in support of the renewed motion for summary judgment of defendant
James Peters.

1 I have reviewed the DVD of the December 11, 1984 video interview of Kathryn Spencer
 2 conducted by James Peters. The audio for much of the recording is very poor, with some portions
 3 inaudible. In his response plaintiff offers a statement purportedly made by Deanne Spencer,
 4 Kathryn's mother who was present during the interview, "let's get Ray one more time." (Dkt 138-
 5 18 at 566). Plaintiff offers this in support of his theory that defendant Peters conspired with others
 6 to falsely accuse plaintiff of a crime he did not commit. A review of the actual audio DVD
 7 doesn't necessary support this statement or this interpretation. The DVD has been placed in the
 8 record at Dkt. 96. Prior to a transcript being made by a court reporter which is now in the record
 9 (Dkt. 138-17), plaintiff's counsel prepared their own transcript which has been filed in the record
 10 at Dkt. 95.

11
 12 When the DVD is viewed and the audio listened to, the following occurs:

13
 14 At 10:09 a.m. (Chapter 3, video index 10:35; transcript p. 12, lns. 7-8) Mr. Peters
 15 introduces three anatomically correct soft-body dolls to aid in his interview with Kathryn. Two
 16 dolls are selected, a male and female. After some discussion, Kathryn agrees that the female doll
 17 is "Katie" and it represents her (10:11 a.m., video index 12:49; transcript p. 14, lns. 5-18). Shortly
 18 after that, Kathryn says the male doll is "Daddy" (10:14 a.m.; Chapter 3, video index 15:52;
 19 transcript p. 16, lns. 20-22).


20
 21 Mr. Peters continues the interview with Kathryn, using the dolls and asking her if she can
 22 show what Daddy did. Once Kathryn has given some information about sexual activity with her
 23 father, Mr. Peters explains to Kathryn that it's important for her to show what happened because
 24 she will have to tell the judge (10:40 a.m., Chapter 7, video index 41:15; transcript p. 40, lns. 14-
 25 16). Mr. Peters asks a few more questions, and Deanne Spencer, who is also present, tells
 26

1 Kathryn, "That's why we need you to just show us one more time." (10:40 a.m., Chapter 7, video
2 index 41.46; transcript, p. 40, lns. 2-3.)

3 By this time, Kathryn, who is sitting on Deanne Spencer's lap, has turned away from the
4 dolls on the desk top, toward the video camera. Mr. Peters asks if Kathryn would like the video
5 operator to leave. Deanne asks, "...If he goes out, can you show us?" In what is apparently
6 encouragement for her daughter to show what happened, Mrs. Spencer gently turns Kathryn back
7 toward the dolls and speaking in a very soft voice, says, "Okay." The next sentence is nearly
8 inaudible. The court reporter who prepared the 11/26/12 transcript that plaintiffs rely on
9 transcribed the sentence as "Then let's get Ray one more time." But in the first transcript
10 proposed by plaintiffs, Exhibit 2 to the Declaration of Douglas H. Johnson (Dkt. 95), on page 11
11 the sentence is transcribed, "Then let's get brave one more time" which is more in context with
12 the actions in the video. See Exhibit B hereto. After that statement, Deanne takes Kathryn's hand
13 and says, "Squeeze my hand." (10:41 a.m., Chapter 7, video index 42:10; transcript p. 40, lns. 2-
14 14.)

17 While Deanne Spencer's comment to Kathryn just prior to Deanne stating "Squeeze my
18 hand" is unclear, from the context of the video, the tone of the voices, and the participants'
19 actions, it appears that Deanne was only trying to reassure her daughter and turn her direction
20 back to the dolls, one of whom is identified as Ray Spencer (hence an encouragement to pick up
21 and demonstrate with the "Ray" doll), not make any statement about "getting" Ray.

23 Signed under penalty of perjury under the laws of the State of Washington this 22nd day
24 of February, 2013 at Tumwater, Washington.

25 
26 PATRICIA C. FETTERLY

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd of February, 2013, I caused to be electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Plaintiffs attorney:

Plaintiffs' Attorneys:

dandavies@dwt.com
kathleen.zellner@gmail.com
dhjohnson43@aol.com

AND TO

Attorney for Co-Defendants Krause, Clark Co. Sheriff's Office, Clark Co. Prosecutor's Office:

Bernard.veljacic@clark.wa.gov
western@wscd.com
gbogdanovich@lldkb.com
jefff@fjtlaw.com

By: s/Patricia C. Fetterly
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DANIEL J. JUDGE, WSBA No. 17392
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Attorney General's Office
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Olympia, WA 98504-0116
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Fax: (360) 586-6655
E-mail: PatriciaF1@atg.wa.gov
Attorneys for Defendant Peters

CR50-84-8506

84-65451

| DISPOSITION | | | | SACRAMENTO COUNTY SHERIFF'S DEPARTMENT | | | | ROBBIE WATERS, SHERIFF | | | | CRIME REPORT | | | | REPORT NO. | | | | | | | | | | | | | |
|---|--|--|--|--|--|--|--|------------------------|--|--|--|---|--|-----|--|--|--|-----------|--|--|--|---|--|--|--|---|--|---|--|
| <input type="checkbox"/> CUSTODY <input type="checkbox"/> PEND. <input type="checkbox"/> CITATION <input type="checkbox"/> CLEARED ADULT <input checked="" type="checkbox"/> FURTHER INVEST. <input type="checkbox"/> CLEARED JUV. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| CRIME TITLE | | | | | | | | | | | | CODE SECTION | | | | F | | M | | | | | | | | | | | |
| Assist outside Agency | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Yacolt, Washington | | | | | | | | | | | | 8-29-84 | | | | 1000 | | | | | | | | | | | | | |
| NAME (Last, First, Middle) FIRM NAME, IF BUSINESS | | | | | | | | | | | | RACE | | SEX | | AGE | | BIRTHDATE | | A | | B | | C | | D | | E | |
| Spencer, Katherine | | | | | | | | | | | | W | | F | | 5 | | 1-13-79 | | F | | G | | H | | I | | J | |
| RESIDENCE ADDRESS | | | | | | | | | | | | BUS. PHONE | | | | BUS. PHONE | | | | | | | | | | | | | |
| 3930 Becerra Way Sacto. | | | | | | | | | | | | 482-6057 | | | | | | | | | | | | | | | | | |
| BUSINESS/(SCHOOL, IF JUVENILE) | | | | | | | | | | | | VICTIM'S VEHICLE (Yr., Make, Model, Lic. No.) | | | | | | | | | | | | | | | | | |
| R NAME (Last, First, Middle) FIRM NAME, IF BUSINESS | | | | | | | | | | | | RACE | | SEX | | AGE | | BIRTHDATE | | A | | B | | C | | D | | E | |
| Spencer, Shirley | | | | | | | | | | | | W | | F | | 42 | | 4-27-42 | | F | | G | | H | | I | | J | |
| RESIDENCE ADDRESS | | | | | | | | | | | | BUS. PHONE | | | | BUS. PHONE | | | | | | | | | | | | | |
| 17681 Lucia Falls Rd. Yacolt Wa. | | | | | | | | | | | | (206)687-1407 | | | | | | | | | | | | | | | | | |
| BUSINESS/(SCHOOL, IF JUVENILE) | | | | | | | | | | | | VICTIM'S VEHICLE (Yr., Make, Model, Lic. No.) | | | | | | | | | | | | | | | | | |
| A. PLACE OF CRIME | | | | | | | | | | | | B. DESCRIPTION OF SURROUNDINGS | | | | | | | | | | | | | | | | | |
| 1 <input type="checkbox"/> STRUCTURE 4 <input type="checkbox"/> STREET / ALLEY 7 <input type="checkbox"/> OTHER 2 <input type="checkbox"/> VEHICLE 5 <input type="checkbox"/> LOT / PARK 3 <input type="checkbox"/> RES. YARD 6 <input type="checkbox"/> BUS. STORAGE | | | | | | | | | | | | 1 <input type="checkbox"/> RESIDENTIAL 4 <input type="checkbox"/> RECREATIONAL 7 <input type="checkbox"/> OPEN SPACE 2 <input type="checkbox"/> BUSINESS 5 <input type="checkbox"/> INSTITUTIONAL 8 <input type="checkbox"/> OTHER 3 <input type="checkbox"/> INDUSTRIAL 6 <input type="checkbox"/> CONST. SITE | | | | | | | | | | | | | | | | | |
| C. TYPE OF STRUCTURE <input type="checkbox"/> N/A | | | | | | | | | | | | G. POINT OF ENTRY | | | | J. METHOD OF ENTRY | | | | I. INVESTIGATIVE NOTATIONS | | | | | | | | | |
| NON-RESIDENTIAL 1 <input type="checkbox"/> CONVENIENCE 2 <input type="checkbox"/> FAST FOOD 3 <input type="checkbox"/> RESTAURANT / BAR 4 <input type="checkbox"/> DRUG / MEDICAL 5 <input type="checkbox"/> GAS STATION 6 <input type="checkbox"/> RETAIL 7 <input type="checkbox"/> SCHOOL 8 <input type="checkbox"/> FINANCIAL INST. 9 <input type="checkbox"/> ENTERTAIN / REC. 10 <input type="checkbox"/> PUBLIC BLDG 11 <input type="checkbox"/> OTHER | | | | | | | | | | | | RESIDENTIAL 1 <input type="checkbox"/> SINGLE FAMILY 2 <input type="checkbox"/> APT. / CONDO 3 <input type="checkbox"/> DUPLEX / TOWN 4 <input type="checkbox"/> MOTEL / HOTEL 5 <input type="checkbox"/> MOBILE HOME 6 <input type="checkbox"/> OTHER TARGET(S) 1 <input type="checkbox"/> STORAGE BLDG. 2 <input type="checkbox"/> CLOSET 3 <input type="checkbox"/> BATHROOM 4 <input type="checkbox"/> DEN 5 <input type="checkbox"/> FAMILY ROOM 6 <input type="checkbox"/> GARAGE / CARPORT 7 <input type="checkbox"/> KITCHEN 8 <input type="checkbox"/> LIVING ROOM 9 <input type="checkbox"/> STORAGE AREA 10 <input type="checkbox"/> BEDROOM 11 <input type="checkbox"/> DINING 12 <input type="checkbox"/> OTHER | | | | 1 <input type="checkbox"/> N/A 4 <input type="checkbox"/> SIDE 2 <input type="checkbox"/> FRONT 5 <input type="checkbox"/> GR. LEV. 3 <input type="checkbox"/> REAR 6 <input type="checkbox"/> UP LEV. UNKNOWN 1 <input type="checkbox"/> DOOR 2 <input type="checkbox"/> WINDOW 3 <input type="checkbox"/> SLIDE GLASS 4 <input type="checkbox"/> DUCT / VENT 5 <input type="checkbox"/> ADJ. BLDG. 6 <input type="checkbox"/> ROOF / FLOOR 7 <input type="checkbox"/> WALL 8 <input type="checkbox"/> BASEMENT 9 <input type="checkbox"/> OTHER | | | | 1 <input type="checkbox"/> N/A 2 <input type="checkbox"/> ATTEMPT ONLY 3 <input type="checkbox"/> NO FORCE 4 <input type="checkbox"/> KEY / SLIP 5 <input type="checkbox"/> BODY / FORCE 6 <input type="checkbox"/> SAW / DRILL 7 <input type="checkbox"/> HIDE IN BLDG. 8 <input type="checkbox"/> CHANNEL LOCK 9 <input type="checkbox"/> PRY TOOL 10 <input type="checkbox"/> LIFT OUT 11 <input type="checkbox"/> BRICK / ROCK 12 <input type="checkbox"/> BOLT CUTTERS / PLIERS 13 <input type="checkbox"/> WINDOW SMASH 14 <input type="checkbox"/> TAPE / WIRE 15 <input type="checkbox"/> DOOR PUNCH 16 <input type="checkbox"/> DOOR KICK 17 <input type="checkbox"/> OTHER | | | | SUSPECT INFO PAGE (NUMBER SUSP. _____) YES _____ NO _____ PHYSICAL EVIDENCE GATHERED BY R/O YES _____ NO _____ CSI REQUESTED YES _____ NO _____ IDENTIFIABLE PROPERTY YES _____ NO _____ ADDITIONAL VICTIMS / WITNESSES YES _____ NO _____ NEIGHBORHOOD CANV. YES _____ NO _____ PROPERTY LOSS YES _____ NO _____ PROPERTY LIST ATTACHED YES _____ NO _____ CONNECTED REPORT(S) TYPE & NUMBER _____ INVESTIGATIVE DIV./PERS. NOTIFIED _____ | | | | | |
| K. SUSPECT'S ACTION <input type="checkbox"/> N/A | | | | | | | | | | | | L. PROPERTY TAKEN <input type="checkbox"/> N/A | | | | | | | | | | | | | | | | | |
| 1 <input type="checkbox"/> ENTERED OCCUPIED BLDG. 2 <input type="checkbox"/> ENTERED UNOCCUPIED BLDG. 3 <input type="checkbox"/> VACANT RES / BLDG. 4 <input type="checkbox"/> VANDALIZED / RANSACKED 5 <input type="checkbox"/> USED MATCHES / SMOKED AT SCENE 6 <input type="checkbox"/> DISABLED ALARM 7 <input type="checkbox"/> ATE / DRANK ON PREMISES 8 <input type="checkbox"/> VEHICLES NEEDED FOR LOOT 9 <input type="checkbox"/> USED VICTIM'S TOOLS 10 <input type="checkbox"/> KNEW LOCATION OF HIDDEN CASH 11 <input type="checkbox"/> SELECTIVE IN LOOT 12 <input type="checkbox"/> USED LOOKOUT DRIVER | | | | | | | | | | | | 13 <input type="checkbox"/> BOUND / GAGGED VICTIM 14 <input type="checkbox"/> RIPPED / CUT CLOTHING 15 <input type="checkbox"/> MOLESTED VICTIM 16 <input type="checkbox"/> FORCED VICTIM TO MOVE 17 <input type="checkbox"/> DISABLED PHONE / ELECTRIC 18 <input type="checkbox"/> INJURED VICTIM 19 <input type="checkbox"/> THREATENED VICTIM 20 <input type="checkbox"/> MASTURBATED 21 <input type="checkbox"/> DISROBED FULLY / PARTIALLY 22 <input type="checkbox"/> FIRED WEAPON 23 <input type="checkbox"/> SUSPECT ARMED 24 <input type="checkbox"/> OTHER | | | | 1 <input type="checkbox"/> LARGE LOSS VALUE 2 <input type="checkbox"/> TOOK CHECKS / CREDIT CARDS 3 <input type="checkbox"/> CONSUMABLE GOODS 4 <input type="checkbox"/> OFFICE EQUIPMENT 5 <input type="checkbox"/> CAMERA 6 <input type="checkbox"/> POWER TOOLS / LAWN EQUIP. 7 <input type="checkbox"/> FIREARMS 8 <input type="checkbox"/> SILVERWARE 9 <input type="checkbox"/> FINE JEWELRY 10 <input type="checkbox"/> MONEY 11 <input type="checkbox"/> OTHER | | | | 11 <input type="checkbox"/> LARGE APPLIANCES 12 <input type="checkbox"/> SMALL APPLIANCES 13 <input type="checkbox"/> CLOTHING / FURS 14 <input type="checkbox"/> DRUGS 15 <input type="checkbox"/> CONSTRUCTION MATERIALS 16 <input type="checkbox"/> AUTO PARTS / ACCESSORIES 17 <input type="checkbox"/> TOOLS / CARP. / MECH. / ELECT. 18 <input type="checkbox"/> GOLD / SILVER COINS 19 <input type="checkbox"/> TV / STEREO / VIDEO 20 <input type="checkbox"/> NO LOSS | | | | | | | | | |

SYNOPSIS OF CRIME

Reporting person advised that victim told her that the suspect had molested her and had oral sex with her.

EXHIBIT A

| | | | | | | | | |
|-----------------------|-------|-------------|----------|----------|-----|------------|--------------------|---------------------|
| INVESTIGATING OFFICER | Flood | DST. ASSGD. | BADGE 76 | DIVISION | SAB | SUPERVISOR | <i>[Signature]</i> | Page _____ of _____ |
|-----------------------|-------|-------------|----------|----------|-----|------------|--------------------|---------------------|

5

SACRAMENTO COUNTY SHERIFF'S DEPARTMENT
ROBBIE WATERS, SHERIFF

VICTIM (LIST FIRST VICTIM ONLY, IF MORE THAN ONE.)
Spencer, Katherine

84-65451

ADDITIONAL CRIMES

REPORT NUMBER

| CRIME TITLE | SECTION | F | M |
|-------------|---------|---|---|
| | | | |
| | | | |
| | | | |
| | | | |
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ADDITIONAL VICTIMS/REPORTING PERSON/WITNESSES

| | NAME (LAST, FIRST, MIDDLE) | RACE | SEX | AGE | BIRTHDATE | A | B | C | D | E |
|------|-------------------------------|------------|-----|--|-----------|----------------------------|---|---|---|---|
| | | | | | | F | G | H | I | J |
| RES. | Spencer, Deanne Sue | W | F | 34 | 2-4-50 | | | | | |
| BUS. | 3930 Becerra Way | RES. PHONE | | 482-6057 | | BUS. PHONE 920-0256 Ext 45 | | | | |
| BUS. | (IF JUVENILE, NAME OF SCHOOL) | OCCUPATION | | VICTIM'S VEHICLE (YEAR, MFG., MODEL, LIC. #) | | | | | | |
| RES. | | | | | | | | | | |
| BUS. | | RES. PHONE | | | | BUS. PHONE | | | | |
| BUS. | (IF JUVENILE, NAME OF SCHOOL) | OCCUPATION | | VICTIM'S VEHICLE (YEAR, MFG., MODEL, LIC. #) | | | | | | |
| RES. | | | | | | | | | | |
| BUS. | | RES. PHONE | | | | BUS. PHONE | | | | |
| BUS. | (IF JUVENILE, NAME OF SCHOOL) | OCCUPATION | | VICTIM'S VEHICLE (YEAR, MFG., MODEL, LIC. #) | | | | | | |
| RES. | | | | | | | | | | |
| BUS. | | RES. PHONE | | | | BUS. PHONE | | | | |
| BUS. | (IF JUVENILE, NAME OF SCHOOL) | OCCUPATION | | VICTIM'S VEHICLE (YEAR, MFG., MODEL, LIC. #) | | | | | | |
| RES. | | | | | | | | | | |
| BUS. | | RES. PHONE | | | | BUS. PHONE | | | | |
| BUS. | (IF JUVENILE, NAME OF SCHOOL) | OCCUPATION | | VICTIM'S VEHICLE (YEAR, MFG., MODEL, LIC. #) | | | | | | |
| RES. | | | | | | | | | | |
| BUS. | | RES. PHONE | | | | BUS. PHONE | | | | |
| BUS. | (IF JUVENILE, NAME OF SCHOOL) | OCCUPATION | | VICTIM'S VEHICLE (YEAR, MFG., MODEL, LIC. #) | | | | | | |
| RES. | | | | | | | | | | |
| BUS. | | RES. PHONE | | | | BUS. PHONE | | | | |
| BUS. | (IF JUVENILE, NAME OF SCHOOL) | OCCUPATION | | VICTIM'S VEHICLE (YEAR, MFG., MODEL, LIC. #) | | | | | | |
| RES. | | | | | | | | | | |
| BUS. | | RES. PHONE | | | | BUS. PHONE | | | | |
| BUS. | (IF JUVENILE, NAME OF SCHOOL) | OCCUPATION | | VICTIM'S VEHICLE (YEAR, MFG., MODEL, LIC. #) | | | | | | |
| RES. | | | | | | | | | | |
| BUS. | | RES. PHONE | | | | BUS. PHONE | | | | |
| BUS. | (IF JUVENILE, NAME OF SCHOOL) | OCCUPATION | | VICTIM'S VEHICLE (YEAR, MFG., MODEL, LIC. #) | | | | | | |

ADDITIONAL VEHICLES

| LICENSE NUMBER | STATE | MANUFACTURER | MAKE | MODEL | YEAR | COLORS - TOP / BOTTOM |
|--|-------|--------------|------|-------|------|-----------------------|
| CHARACTERISTICS: (1) DAMAGE (BODY, WINDOWS, INTERIOR, REPAIRS) (2) WHEELS (MAG, CHROME, OVERSIZE) (3) INTERIOR DESCRIPTION | | | | | | |
| | | | | | | |
| CHARACTERISTICS: (1) DAMAGE (BODY, WINDOWS, INTERIOR, REPAIRS) (2) WHEELS (MAG, CHROME, OVERSIZE) (3) INTERIOR DESCRIPTION | | | | | | |
| | | | | | | |

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|-----------------------------------|------------------------|----------------------------------|
| REPORTING OFFICER Flood | BADGE NO. 76 | DATE OF REPORT 8-29-84 |
|-----------------------------------|------------------------|----------------------------------|

SACRAMENTO COUNTY SHERIFF'S DEPARTMENT

Robbie Waters, Sheriff

CONTINUATION REPORT

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84-65451

REPORT NUMBER

| | | | | | | | | |
|--|---------|-----|------------------|-----------|-----------------------|-----|------|------|
| AUTHORITY | SECTION | FEL | MISD | INTERVIEW | MONTH | DAY | YEAR | TIME |
| ASSIST O/S AGENCY | | | | | 8 | 29 | 84 | 1000 |
| COMPLAINANT/VICTIM | | | ADDRESS | | | | | |
| SPENCER, Kathryn | | | 3930 Becerra Way | | | | | |
| PERSON INTERVIEWED (LAST, FIRST, MIDDLE) | | | V/RP/W/S # | | LOCATION OF INTERVIEW | | | |
| SPENCER, Raymond | | | S-1 | | Telephone | | | |
| DATE/TIME REPORT INFORMATION IN THE CHRONOLOGICAL ORDER IT OCCURRED. | | | | | | | | |

I received information via Sgt. Humphrey who received information from Child Protective Services that a local minor by the name of Kathryn SPENCER had related that she had been molested. This information was received through Child Protective Services in Yacolt, Washington. The stepmother of the victim had made contact with CPS in that area.

I received the information and made a long distant phone call to the stepmother. I was advised by the person answering the phone that his name was Ray SPENCER, the father of the victim. The following is a brief summary of that telephone conversation:

Kathryn and Matt are my kids and they came up to spend six weeks with us during the summer for visitation. I am a police officer and work in the City although I live in the County.

The last time both were here they were withdrawn but I didn't think anything of it. This time I left on Saturday, the 25th of August, to go to a seminar that has to do with police business. When I returned, my current wife told me that Kathryn had told her that she had been molested. She indicated that my exwife had fondled her and they play with each others pee pee.

My wife also indicated to me that Kathryn had told her that I had let her play with my pee pee and that I had played with her's and that she was very explicit. My exwife came on the morning of the 26th and picked up the two kids and went back down to Sacramento. As I understand it, Kathryn understands the sexual advancements

INVESTIGATING OFFICER(S) BADGE DIV
DET. P. FLOOD #76 SEX ASSAULTS

APPROVING SUPERVISOR

PAGE
1

Robbie Waters, Sheriff
CONTINUATION REPORT

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84-65451

REPORT NUMBER

| | | | | | | | | |
|--|---------|-----|------------------|-----------|-----------------------|-----|------|------|
| AUTHORITY | SECTION | FEL | MISD | INTERVIEW | MONTH | DAY | YEAR | TIME |
| ASSIST O/S AGENCY | | | | | 8 | 29 | 84 | 1000 |
| COMPLAINANT/VICTIM | | | ADDRESS | | | | | |
| SPENCER, Kathryn | | | 3930 Becerra Way | | | | | |
| PERSON INTERVIEWED (LAST, FIRST, MIDDLE) | | | V/RP/W/S # | | LOCATION OF INTERVIEW | | | |
| SPENCER, Raymond | | | S-1 | | Telephone | | | |
| DATE/TIME REPORT INFORMATION IN THE CHRONOLOGICAL ORDER IT OCCURRED. | | | | | | | | |

1 |
 2 | Continued Page 2

3 |
 4 | as a sign of affection and love. I can't figure it out and she
 5 | can't figure out why her real dad doesn't do this to her. My
 6 | wife didn't tell me about this until after I returned home from
 7 | the trip. When she did, I contacted our local authorities.

8 | One different type of incident that occurred when my kids were
 9 | here on this last visit was that my wife and I sleep in one
 10 | bedroom and my two kids and my wife's one child slept in the same
 11 | bedroom which is adjacent to our's. One night when we were
 12 | making love, Matt came into the room and I guess was standing
 13 | there for about 10 or 15 minutes. When we had finished and we
 14 | noticed him, he asked why my wife was making so much noise. We
 15 | kind of put it off and put him back to bed. The next day he
 16 | asked the same question and then I decided it was time to tell
 17 | him a few things and I explained what we were doing was making
 18 | love and that's what people that are love or married do. He said
 19 | that he understood all that but he still wanted to know why she
 20 | was making noise.

21 | END OF STATEMENT

22 |
 23 | At this point I asked if his current wife Shirley was available to
 24 | speak to me. He advised that she was and she took the phone.

| | | | | |
|--------------------------|-------|--------------|----------------------|------|
| INVESTIGATING OFFICER(S) | BADGE | DIV | APPROVING SUPERVISOR | PAGE |
| DET. P. FLOOD | #76 | SEX ASSAULTS | <i>[Signature]</i> | 2 |
| | | | | SS |

Robbie Waters, Sheriff
CONTINUATION REPORT

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84-65451

REPORT NUMBER

| | | | | | | | | |
|--|---------|-----|------------|------------------|-----------------------|-----|------|------|
| AUTHORITY | SECTION | FEL | MISD | INTERVIEW | MONTH | DAY | YEAR | TIME |
| ASSIST O/S AGENCY | | | | | 8 | 29 | 84 | 1000 |
| COMPLAINANT/VICTIM | | | | ADDRESS | | | | |
| SPENCER, Kathryn | | | | 3930 Becerra Way | | | | |
| PERSON INTERVIEWED (LAST, FIRST, MIDDLE) | | | V/RP/W/S # | | LOCATION OF INTERVIEW | | | |
| SPENCER, Shirley | | | R | | Telephone | | | |
| DATE/TIME REPORT INFORMATION IN THE CHRONOLOGICAL ORDER IT OCCURRED. | | | | | | | | |

I got on the phone with Shirley SPENCER who sounded extremely upset. Her voice was quivering but was in a muffled tone. She indicated the following information:

On Friday night all of us slept downstairs because that was going to be Ray's last night at home with the kids. He had to go away for a school and this was going to be the last night that the kids saw him. On Saturday Ray left for his trip. Saturday night we all stayed downstairs again watching a video movie. Kathryn wanted to rub my tummy and so I said that was okay. She kept moving my bathrobe off my top attempting to expose my breasts and one time she put her hand too far down toward the vaginal area. I told her this was unacceptable. She asked me, "want to rub my pee_pee" and she wanted me to rub her pee pee because she said it felt good. This type of information got me interested and I asked her questions about certain things and she gave me some information. One time while her dad was hunting, Kathryn said that her mom wanted her to rub her titties and pee pee. Then another time while mom was at work, daddy wanted me to rub his pee pee and he rubbed her's.

One time Kathryn told me about a time that she sat on her father's lap with her father's penis between her legs. She put it in her mouth and he tried to put his penis into her pee pee but it hurt. Kathryn also told me about her daddy kissing her on her pee pee. When I asked her how often this occurred she said lots of times. When I asked if it occurred maybe five times,

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84-65451

REPORT NUMBER

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| AUTHORITY | SECTION | FEL | MISD | INTERVIEW | MONTH | DAY | YEAR | TIME |
| ASSIST O/S AGENCY | | | | | 8 | 29 | 84 | 1000 |
| COMPLAINANT/VICTIM | | | | ADDRESS | | | | |
| SPENCER, Kathryn | | | | 3930 Becerra Way | | | | |
| PERSON INTERVIEWED (LAST, FIRST, MIDDLE) | | | V/RP/W/S # | | LOCATION OF INTERVIEW | | | |
| SPENCER, Shirley | | | R | | Telephone | | | |
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she just kept insisting it was lots of times. She told me that she watched her dad make love to mommy before he got married and we got married in July of '83.

I questioned her story the next day and it was the same. She told me that her daddy told her not to tell anyone or mommy Deanne. The next day she also still wanted to have her pee pee rubbed because it felt good.

At this point I requested that Shirley SPENCER contact the local law enforcement agency and have them interview her for an assist outside agency to this agency and have the report sent to this officer. Ray SPENCER got back on the phone and I also advised him that I wanted a report sent to me from the local agency after interviews had been taken of Shirley and Ray.

At this point I was concerned for the welfare of the children and it was possible that the mother was living with another man and that man was the one involved in the molests.

Det. Rich Madrigal and I went to the SPENCER residence on Becerra Way to check on the welfare of the children.

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| AUTHORITY | SECTION | FEL | MISD | INTERVIEW | MONTH | DAY | YEAR | TIME |
| ASSIST O/S AGENCY | | | | | 8 | 29 | 84 | 1115 |
| COMPLAINANT/VICTIM | | | | ADDRESS | | | | |
| SPENCER, Kathryn | | | | 3930 Becerra Way | | | | |
| PERSON INTERVIEWED (LAST, FIRST, MIDDLE) | | | V/RP/W/S # | | LOCATION OF INTERVIEW | | | |
| Kathryn SPENCER | | | V | | 3930 Becerra Way | | | |
| DATE/TIME REPORT INFORMATION IN THE CHRONOLOGICAL ORDER IT OCCURRED. | | | | | | | | |

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3 | Det. Madrigal and I made contact at the Becerra residence. Present at
4 | the house were Kathryn SPENCER, her brother Matt SPENCER and a
5 | babysitter. We identified ourselves to the babysitter and asked if we
6 | could come in and talk to the minors. This officer went into the
7 | kitchen to speak with Kathryn while Det. Madrigal took the older
8 | brother Matthew outside. Kathryn was extremely shy in talking to me
9 | about these things although prior to bringing this subject up she
was very vocal.

10 | She indicated that her mother did touch her on her potty but only
11 | when she was putting medicine on it. She indicated that she did
12 | tell Shirley everything that Shirley advised me of but then when
13 | asked to explain it or asked specific questions about it, she
14 | would say that she couldn't remember the words so she couldn't
15 | tell me. I also asked if someone had told her not to tell about
16 | it and she indicated by shaking her head yes. When asked if
17 | someone had touched her pee pee she shook her head yes and when
18 | asked who, she would say daddy and then a few moments later she
19 | said not daddy, no one.

20 |
21 | Kathryn indicated that her and her father played a game but she
22 | didn't want to talk about the game. When asked if someone had
23 | touched her on her pee pee, she would say yes, stop and think for
24 | a moment, and then indicate that it was her mother putting on the
25 | medicine.
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| AUTHORITY | SECTION | FEL | MISD | INTERVIEW | MONTH | DAY | YEAR | TIME |
| ASSIST O/S AGENCY | | | | | 8 | 29 | 84 | 1115 |
| COMPLAINANT/VICTIM | | | ADDRESS | | | | | |
| SPENCER, Kathryn | | | 3930 Becerra Way | | | | | |
| PERSON INTERVIEWED (LAST, FIRST, MIDDLE) | | | V/RP/W/S # | | LOCATION OF INTERVIEW | | | |
| SPENCER, Matthew | | | | | 3930 Becerra Way | | | |
| DATE/TIME REPORT INFORMATION IN THE CHRONOLOGICAL ORDER IT OCCURRED. | | | | | | | | |

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3 | I made contact with Matthew, the brother of the victim in this case
4 | and he indicated that he knew nothing about what we were talking
5 | about. He indicated his mother nor father had any inappropriate
6 | actions toward him. He had not been touched in any way and nobody had
7 | made any advances toward him. He also indicated that his sister had
8 | not told him anything about this in the past but indicated that she
9 | does tell stories and change her stories a lot. That's usually to get
out of trouble.

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| ASSIST O/S AGENCY | | | | | 8 | 29 | 84 | 1115 |
| COMPLAINANT/VICTIM | | | ADDRESS | | | | | |
| SPENCER, Kathryn | | | 3930 Becerra Way | | | | | |
| PERSON INTERVIEWED (LAST, FIRST, MIDDLE) | | | V/RP/W/S # | | LOCATION OF INTERVIEW | | | |
| SPENCER, Deanne Sue | | | | | 3930 Becerra Way | | | |
| DATE/TIME REPORT INFORMATION IN THE CHRONOLOGICAL ORDER IT OCCURRED. | | | | | | | | |

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3 | After interviewing the children I was advised that the mother of the
4 | victim, Deanne SPENCER, was going to be returning home shortly. She
5 | arrived at the home at approximately 12:15 and was advised that her
6 | daughter was a possible victim of molest. SPENCER's first words were,
7 | "I should have listened to my sister." When I asked her about this
8 | she indicated that her sister had thought that Ray had been molesting
9 | Kathryn several years ago. The following is a brief summary of the
information given by Deanne SPENCER.

11 | Kathryn and Matthew are my children and they were fathered by Ray
12 | SPENCER. We lived in Washington and I left him sometime ago
13 | because of some weird things that he was doing.

14 | My sister had told me that she was worried about Kathryn and my
15 | exhusband. She said that something was not right but she
16 | couldn't elaborate what.

18 | I have not had any men come and stay at the house for quite a
19 | long time. There was a man that was there and bothered the
20 | children so I would not let a man stay in the house any longer.
21 | The children are never left alone with a man while they're with
22 | me. When they're up in Washington with their father I don't know
23 | what is happening. Neither Matthew or Kathryn has told me
24 | anything about this. This is the first I've heard of it.

25 |
26 | After the situation was explained to the mother, she was given the
27 | phone number for UCD Medical Center for a scan to be done at her

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| IST O/S AGENCY | | | | | 8 | 29 | 84 | 1115 |
| COMPLAINANT/VICTIM | | | | ADDRESS | | | | |
| SPENCER, Kathryn | | | | 3930 Becerra Way | | | | |
| PERSON INTERVIEWED (LAST, FIRST, MIDDLE) | | | | V/RP/W/S # | | LOCATION OF INTERVIEW | | |
| SPENCER, Deanne Sue | | | | | | 3930 Becerra Way | | |
| DATE/TIME REPORT INFORMATION IN THE CHRONOLOGICAL ORDER IT OCCURRED. | | | | | | | | |

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convenience. She indicated that she had not touched her daughter nor allowed her daughter to touch her in any place that was inappropriate only the stroking and scratching of backs and arms and possibly legs.

I arranged with her to have her come with Kathryn to SSD for another interview, this time using anatomical dolls. She indicated that she would make that appointment and she was also going to advise the school that Kathryn was going to of the situation so that they might be able to help if Kathryn said or did anything at school.

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judge... We talked about a judge yesterday when we went in the courtroom, right? Remember going in the courtroom?

Peters: Sharon can't tell the judge what happened. Sharon can't tell your daddy's doctor what happened.

Peters: But you can. You can.

Peters: 'Cause they'll think maybe Sharon made a mistake or, or that Sharon made it up or something.

Deanne: That's why we need you to show us one more time. You want to sit on the floor and show us?

Peters: You want Jeff to leave? Jeff's the man standing right over there, right?

Deanne: Do you want him to go out? If he goes out will you show us?

Deanne: Okay then, let's get brave one more time. Squeeze my hand. Come on.

Deanne: You can do this.

Katie: Nuh-uh.

Deanne: Then we'll have the rest of the day today, remember? Hmm?

Peters: You've done so good so far. Got all the hard parts over. Well, let's see... Let me try it this way. Did he touch you with his nose?

Peters: Did he touch you with his mouth?

Peters: Did he touch you with his chest?

Peters: Did he touch you with his belly-button?

Peters: Did he touch you with his wiener?

Peters: Yeah? Ok, Did he touch you with his knees?

Peters: Did he touch you with his feet?

Peters: Did he touch you with his fingers?

Peters: Hmm?

Peters: Just with his wiener? Is that right?

Peters: Okay. Let's see. I've got to figure out now where he touched you with his wiener. Did he touch you on your feet with his wiener?

Peters: Did he touch you on your knees?

Peters: Did he touch you on your pee-pee?

Peters: Okay, did he touch you on--is that a yes?

Peters: Alright. Did he touch you on your belly button?

Peters: Did he touch you on your boobies?

Peters: Did he touch you on your mouth?

Peters: Is that a no?

Peters: Did he touch you on the eyes?

Peters: Did he touch you on your hair?

Peters: Can you show me how he touched you with his wiener with the dolls?

Katie: Nuh-uh.

Deanne: (Indiscernible) We only have to do it this one more time, remember?

Peters: Okay, were you sitting up or lying down? Or standing up? Which of the three? Were you sitting like this?

Peters: Were you standing like this?

Peters: Were you bending over like this?

Peters: Were you lying down like this?

Peters: On your front?